

BY CHAMBERS.]

[SENATE FILE No. 267.—AGRICULTURE.]

## A BILL

FOR AN ACT TO PREVENT AND TO PUNISH FRAUD IN THE SALE OF CATTLE.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That it shall be unlawful for any person or persons making sale of cattle  
2 within this State, either at public or private sale, to make any false statement or represen-  
3 tation, either orally, by printed catalogue, advertisement, or by an auctioneer, as to the breed-  
4 ing or pedigree of such cattle, or as to the fact whether the same are recorded or are admis-  
5 sible to record in the standard or accredited herd-books of the particular breed to which said  
6 cattle are represented as belonging.

SEC. 2. Every person guilty of the offense described in section one of this act, and who  
2 shall upon demand thereof fail or refuse promptly to repay to the purchaser or his agent  
3 the consideration paid on each purchase, or fail to return any note, security or property  
4 given upon such purchase, and in addition thereto shall fail to pay all costs and actual  
5 damages or expenses incurred by the purchaser by reason of such sale, shall upon convic-  
6 tion thereof be imprisoned in the penitentiary of this State for a term not exceeding one  
7 year.

SEC. 3. In all criminal prosecutions under this act it shall not be necessary to a convic-  
2 tion to prove that the person making such false representations or statements, knew the  
3 same to be false at the time of making the same, but the burden of broof shall be upon the  
4 defendant to satisfy the jury that such representations (if not in fact true) were made by  
5 honest mistake, and the defendant has also to the best of his ability made restoration of the  
6 consideration received on such sale if any.

SEC. 4. That all sales of cattle made in violation of the provisions of section one of this  
2 act, whether the vendor makes such false representations by mistake or otherwise shall be  
3 void at the election of the purchaser, and the vendor shall be liable in a civil action for the  
4 amount of the consideration paid and interest and all actual damages suffered by the pur-  
5 chaser, and in case said representations were made knowing the same to be false the pur-  
6 chaser may recover treble such sum.

SEC. 5. This act being deemed of immediate importance shall take effect and be in force  
2 from and after its publication in the Iowa State Register and Des Moines Leader, news-  
3 papers published in the city of Des Moines.